

(Spl.-H.C.A.S.C.D., 78-e)

FARAD CONTINUATION SHEET NO.

**IN THE HIGH COURT OF BOMBAY AT GOA
PANAJI, GOA.
APPELLATE SIDE**

DISTRICT :

MISCELLANEOUS CIVIL APPLICATION NO.53 OF 2005
IN F.A. NO.126/99

Office Notes, Office Memoranda of	
Quorum, appearances, Court's orders	Court's or Judge's orders
or directions and Registrar's orders	

Mr. M. S. Sonak, advocate for the applicant.

Mr. S.D. Lotlikar, Senior Advocate with Mr. R. Sardesai, advocate for the respondents.

CORAM : A. P. LAVANDE, J.

DATE : 28th January, 2005.

P.C.

By application dated 27th January, 2005, the applicant, who is the respondent in First Appeal No.126 of 1999 seeks leave to produce on record three

documents under Order XLI Rule 27 C.P.C. The documents which are sought to be produced are as under:-

(i) Order dated 15th December, 1999, passed by the Mamlatdar of Sanguem Taluka in Case No. MAM/TNC/1/91;

(ii) Roznama in Tenancy Revision Application No.147/01 before the Administrative Tribunal of Goa;

(iii) Judgment dated 26th November, 2001 in Case No. TNC/APPL/42/99 passed by the Dy. Collector and S.D.O., South Sub-Division, Quepem, Goa.

2. The applicant has produced copies of the said documents. On behalf of the respondents, who are the appellants in First Appeal

No.126/99, reply has been filed today, which is taken on record.

3. Mr. Sonak, learned counsel appearing for the applicant, submits that the documents which are sought to be produced are relevant for the purpose of deciding the appeal. Mr. Lotlikar, learned Senior Counsel for the respondents, submits that these documents are irrelevant for the purpose of deciding the legality/correctness of the impugned Judgment and Decree dated 23rd August, 1999.

4. Mr. Lotlikar, learned Senior Counsel for the respondents, further submits that without prejudice to his submissions he has no objection if true copies of the documents are taken on record, in the event

this Court is inclined to take these documents on record.

5. I have considered the submissions made by the learned counsel for the parties. The documents which are sought to be produced by the applicant are in respect of proceedings between the parties before tenancy authorities, and, as such, they are relevant for the purpose of deciding the appeal. The respondents herein, who are the original appellants in the appeal no doubt are entitled to contend that these documents are not liable to be taken into consideration for the purpose of deciding the legality or propriety of the impugned Judgment and Decree. Since these documents pertain to the proceedings

between the parties in the Appeal before the tenancy authorities, in my opinion, the same are relevant, and, therefore, the application is allowed. The documents are taken on record and marked "R(colly.)". The learned counsel appearing for both the sides submit that they do not want to lead any evidence in the matter.

6. The application stands disposed of in the aforesaid terms.

A. P. LAVANDE, J.

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